



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Item No.: 9
Date: 19 2024 NOV

Province of Leyte
Legal Office

Released: 10/2/24
Time: 9:10
Date: 10-2-24



2nd INDORSEMENT
September 30, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 01 series of 2024 of the Sangguniang Bayan of MacArthur, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 01 series of 2024 entitled: "An Ordinance Amending Section 7 of the Municipal Ordinance No. 24 series of 2023".

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the amendment proposed in the subject Ordinance still runs contrary to Section 335¹ of the Local Government Code of 1991 (R.A 7160). We further opine that the amendment is irrelevant since the purpose of the appropriation is still private in nature, as contemplated in Section 335 of the Local Government Code. Hence, this office recommends further review of the Subject Ordinance.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 335. Prohibitions Against Expenditures for Religious or Private Purposes. - No public money or property shall be appropriated or applied for religious or private purposes.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
26 September 2024

Province of Leyte
Legal Office
Date: 9.26.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 01, series of 2024 of the Municipality of MacArthur, Leyte**, entitled: An Ordinance Amending Section 7 of the Municipal Ordinance No. 24 series of 2023 entitled, An Ordinance Authorizing the Conferment of Exemplary Public Service Award (EPSA) to Elective Barangay Officials of the Municipality of MacArthur, Province of Leyte who have been Elected for Three (3) Consecutive Terms in the Same Position.


FLORINDA JIL SUYVICO
Secretary to the Sanggunian

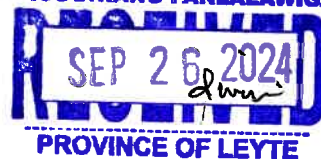


Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



ENDORSEMENT
September 26, 2024

Respectfully submitting to the Honorable Provincial Board for consideration and approval the herein Municipal Ordinance No. 01, Series of 2024, entitled AN ORDINANCE AMENDING SECTION 7 OF THE MUNICIPAL ORDINANCE NO. 24 SERIES OF 2023 ENTITLED AN ORDINANCE AUTHORIZING THE CONFERMENT OF EXEMPLARY PUBLIC SERVICE AWARD (EPSA) TO ELECTIVE BARANGAY OFFICIALS OF THE MUNICIPALITY OF MACARTHUR, PROVINCE OF LEYTE WHO HAVE BEEN ELECTED FOR THREE (3) CONSECUTIVE TERMS IN THE SAME POSITION


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
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Municipal Ordinance No. 01 Series of 2024

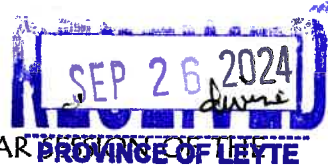
AN ORDINANCE AMENDING SECTION 7
OF THE MUNICIPAL ORDINANCE NO. 24
SERIES OF 2023 ENTITLED AN
ORDINANCE AUTHORIZING THE
CONFERMENT OF EXEMPLARY PUBLIC
SERVICE AWARD (EPSA) TO ELECTIVE
BARANGAY OFFICIALS OF THE
MUNICIPALITY OF MACARTHUR,
PROVINCE OF LEYTE WHO HAVE BEEN
ELECTED FOR THREE (3) CONSECUTIVE
TERMS IN THE SAME POSITION



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 98TH REGULAR SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 9 SEPTEMBER 2024 AT THE MUNICIPAL SESSION HALL.

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. IRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (Absent)

Approved:

HON. RODIN T. BABANTE
Municipal Mayor

Date Approved: SEP 23, 2024

PRESENT:
Honorable Jesus A. Baranda Vice Mayor, Presiding
Honorable Raul E. Mundala SB Member
Honorable Gwendolyn M. Beriso SB Member
Honorable Victoriano T. Lazar SB Member
Honorable Jonathan T. Barquin SB Member
Honorable Trina C. Burawis SB Member
Honorable Leonardo R. Leria Jr. SB Member
Honorable Ireneo G. Remanes Jr. SB Member
Honorable Xandrix P. Pantin SB Member
Honorable Jose A. Baranda ABC President

ABSENT:
Honorable Ralph Martin P. Egos SKF President

MUNICIPAL ORDINANCE NO. 01
Series of 2024

AN ORDINANCE AMENDING SECTION 7 OF THE MUNICIPAL ORDINANCE NO. 24 SERIES OF 2023 ENTITLED AN ORDINANCE AUTHORIZING THE CONFERMENT OF EXEMPLARY PUBLIC SERVICE AWARD (EPSA) TO ELECTIVE BARANGAY OFFICIALS OF THE MUNICIPALITY OF MACARTHUR, PROVINCE OF LEYTE WHO HAVE BEEN ELECTED FOR THREE (3) CONSECUTIVE TERMS IN THE SAME POSITION

AUTHOR : Honorable Gwendolyn M. Beriso

There is a need to amend Section 7 to specify the source of fund for the implementation of the Ordinance compliant to the provision of Section 335 Chapter 4 of the Local Government Code.

Section 335. No public money or property shall be appropriated or applied for religious or private purposes.

WHEREFORE, on motion of Honorable Gwendolyn M. Beriso duly seconded by en masse, be it

Ordained by the Sangguniang Bayan of the Municipality of MacArthur, Leyte that:

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MONDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. IRENEO C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (Absent)

Approved:

HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: SEPT 23, 2024

Section 1. Section 7 of Municipal Ordinance No. 24, Series of 2023 is read as follows:

The sum of Five Hundred Thousand Pesos (Php500,000.00) is hereby appropriated as initial fund for the awards subject to compliance with existing Commission on Audit (COA) rules and regulations.

Section 2. Amendment. Section 7 of Municipal Ordinance No. 24, Series of 2023 shall now amended as follows:

Section 7. Funding. The Local Government Unit of MacArthur shall allocate annual funds to be sourced-out from Founding Anniversary/Culture and Arts fund for the implementation of this Ordinance.

Section 3. SEPARABILITY CLAUSE. If for any reason, any provision, section or any part of this ordinance is declared invalid by a court of competent jurisdiction or suspended or revoked by the Sangguniang Panlalawigan, such judgment shall not affect or impair the remaining provisions, sections or parts hereof which shall remain and continue to be in full force and effect.

Section 4. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof in conflict or inconsistent herewith are hereby repealed or modified accordingly.

Section 5. EFFECTIVITY- This ordinance shall take effect after the approval from the Sangguniang Panlalawigan and the requirements of posting prescribed in RA 7160 is complied with.

ENACTED by the Sangguniang Bayan in session assembled on September 9, 2024 at MacArthur, Leyte, Philippines.

Approved unanimously.

SO ORDAINED.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 01, Series of 2024 of the Sangguniang Bayan of MacArthur, Leyte, duly enacted on September 9, 2024 and approved last September 23, 2024 has been posted since September 24, 2024 at the bulletin board of the Legislative Building, at Poblacion Public Market, and at Palale I Outpost pursuant to Section 511 of R.A. 7160.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
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Municipal Ordinance No. 24 Series of 2023

AN ORDINANCE AUTHORIZING THE
CONFERMENT OF EXEMPLARY PUBLIC
SERVICE AWARD (EPSA) TO ELECTIVE
BARANGAY OFFICIALS OF THE
MUNICIPALITY OF MACARTHUR,
PROVINCE OF LEYTE WHO HAVE BEEN
ELECTED FOR THREE (3) CONSECUTIVE
TERMS IN THE SAME POSITION



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 80TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 15 APRIL 2024 AT THE MUNICIPAL SESSION HALL.

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Leonardo R. Leria Jr.	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Xandrix P. Pantin	SB Member

ABSENT:

Honorable Jose A. Baranda	ABC President(On-Official Travel)
Honorable Ralph Martin P. Egos	SKF President

MUNICIPAL ORDINANCE NO. 24
Series of 2023

AN ORDINANCE AUTHORIZING THE CONFERMENT OF EXEMPLARY PUBLIC SERVICE AWARD (EPSA) TO ELECTIVE BARANGAY OFFICIALS OF THE MUNICIPALITY OF MACARTHUR, PROVINCE OF LEYTE WHO HAVE BEEN ELECTED FOR THREE (3) CONSECUTIVE TERMS IN THE SAME POSITION


AUTHOR : Honorable Gwendolyn M. Beriso

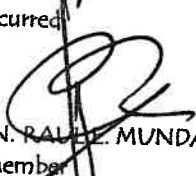
WHEREAS, Barangay is the smallest political unit of society and considered as the most fundamental organizational building blocks of the country as monolith providing strength and support towards national progress and stability;


WHEREAS, Barangay Officials are given some benefits provided under the Local Government Code of 1991, such benefits are apparently limited relative to the overwhelming tasks and responsibilities and other mandates that the officials are performing in accordance with existing laws and directives especially in the aspect of maintenance of peace and order and community relations;


WHEREAS, the Barangay Officials who have rendered services for three (3) consecutive terms of office shall be given an awards and recognition for the public service they have extended as Barangay Officials of the municipality;


Attested:



HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurrent:

HON. RAUL E. MUNDALA
SB Member

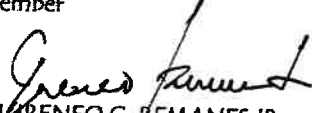

HON. GWENDOLYN M. BERISO
SB Member



HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member


HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President(On-Official Travel)

HON. RALPH MARTIN P. EGOS
SKF President (Absent)

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: 04-29-2024

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. KRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President (On-Official Travel)

HON. RALPH MARTIN P. EGOS
SKF President (Absent)

Approved:

HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: 04-29-2024

WHEREFORE, on motion of Honorable Gwendolyn M. Beriso duly seconded by Honorable Jonathan T. Barquin, Honorable Leonardo R. Leria Jr., and Honorable Xandrix P. Pantin,

Be it enacted by the Sangguniang Bayan in session duly assembled:

SECTION 1. TITLE. This ordinance shall be known as the "**BAGACAY PUBLIC SERVICE AWARD**".

SECTION 2. SCOPE AND COVERAGE. Recipients of the award shall be Barangay Officials who have completed three (3) consecutive terms of office as Punong Barangay and Barangay Kagawad respectively.

Coverage of the award with respect to the terms of office shall commence in the term of office year 2023-2025 and subsequently the terms of office thereafter as basis for the qualification of consecutive terms of office.

SECTION 3. RECOGNITION AND CATEGORIES OF AWARDS. There shall be recognition and categories of the "**Bagacay Public Service Award**" enumerated as follows:

- I. Categories of recipients of the Award:
 - Punong Barangay
 - Barangay Kagawad
- II. Forms of Award
 - a) A Plaque of Appreciation/ Certificate of Recognition
 - b) *Bagacay Award Trophy*
 - c) A cash Award:
 - Punong Barangay- Thirty Thousand Pesos (Php. 30,000.00)
 - Barangay Kagawad - Fifteen thousand Pesos (Php 15,000.00)

SECTION 4. AWARDING CEREMONY. The *Bagacay Public Service Award* shall be bestowed by the Municipal Government to the recipients during the annual Founding Anniversary of the Municipality of MacArthur Province of Leyte.

SECTION 5. QUALIFICATIONS

- a. The Municipal Screening Committee shall undertake screening and qualify the recipients of the award;
- b. A Barangay Official who is convicted of any administrative or criminal offense by any government agency, quasi-judicial bodies or courts during his incumbency shall be disqualified to the awards;
- c. In case the 1st ranking Barangay Kagawad by operations of law by virtue of Title 2, chapter 2 of the Local Government Code of 1991 occupied the position of a Punong Barangay due to permanent vacancy in the position of the latter, the former shall still be qualified to be a recipient under the category of Awards for Barangay Kagawad for which he had equivalently served the unexpired term of his present position as Punong Barangay.

SECTION 6. IMPLEMENTATION

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RALPH E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. IRENEO C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President (On-Official Travel)

HON. RALPH MARTIN P. EGOS
SKF President (Absent)

Approved:

HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: 04-29-2024

a. A Barangay Award, Screening and Selection Board (BASSB) shall be created to be composed of the following:

Chairman: Municipal Mayor

Vice Chairman: MLGOO

Members:

MPDC

Liga ng mga Barangay President

Three (3) Representatives from duly accredited Non-Government Organization

b. Functions and Responsibilities: The Barangay Award, Screening and Selection Board (BASSB) shall have the following functions and responsibilities.

1. Formulate guidelines for the implementation of this Ordinance.
2. Devise a monitoring mechanism to examine and determine the records and performance of Barangay officials in the execution of their functions and the quality of Governance and Delivery of service to their respective Barangays; and,
3. Perform such other functions that would redound to the effective implementation of this ordinance.

SECTION 7. FUNDING. The sum of Five Hundred Thousand Pesos (Php500,000.00) is hereby appropriated as initial fund for the awards subject to compliance with existing Commission on Audit (COA) rules and regulations.

Section 8. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof in conflict or inconsistent herewith are hereby repealed or modified accordingly.

Section 9. SEPARABILITY CLAUSE. If for any reason, any provision, section or any part of this ordinance is declared invalid by a court of competent jurisdiction or suspended or revoked by the Sangguniang Panlalawigan, such judgment shall not affect or impair the remaining provisions, sections or parts hereof which shall remain and continue to be in full force and effect.

Section 10. EFFECTIVITY- This ordinance shall take effect after the approval from the Sangguniang Panlalawigan and the requirements of posting prescribed in RA7160 is complied with.

ENACTED by the Sangguniang Bayan in session assembled on April 15, 2024 at MacArthur, Leyte, Philippines.

Approved unanimously.

SO ORDAINED.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian